

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Harold Staten,	:	
	:	
	:	
Plaintiff,	:	
	:	
v.	:	No. 24-cv-01380-AB
	:	
City of Philadelphia and Detective James	:	
McNesby,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this _____ day of _____, 2025, it is **ORDERED** that Defendants’ Motion to Compel Plaintiff Harold Staten’s Responses to Discovery is **GRANTED**. Plaintiff Harold Staten shall produce full and complete responses, without objection, to Defendants’ discovery requests within five (5) days hereof, or risk sanctions upon further application to this Court.

BY THE COURT:

The Honorable Anita B. Brody
United States District Judge

Harold Staten,

Plaintiff,

v.

City of Philadelphia and Detective James J. McNesby

Defendants.

No. 24-cv-01380-AB

Defendants City of Philadelphia and Detective James McNesby, by and through their undersigned counsel and pursuant to Federal Rule of Civil Procedure 37(a) and Local Rule 26.1(g), respectfully move this Court for an order compelling Plaintiff Harold Staten (“Plaintiff”) to provide responses to Defendants’ interrogatories and requests for production of documents and state the following in support:

1. On January 3, 2025, Defendants served Plaintiff with Defendant Officer McNesby’s First Set of Interrogatories and Defendant City of Philadelphia’s First Set of Requests for Production of Documents (collectively, “Discovery Requests”) with a due date of February 3, 2025. *See* Exhibit 1.

2. Plaintiff, through his counsel Kevin Harden, Jr. (“Mr. Harden”), confirmed receipt of the Discovery Requests. *See* Exhibit 2.

3. On February 10, 2025, a week after responses were due, Defendants emailed Mr. Harden to check on the status of the responses to the Discovery Requests. *See* Exhibit 3.

4. On February 12, 2025, Mr. Harden replied, “We should have them to you by Monday,” which would have been February 17, 2025. *See* Exhibit 4.

5. On February 18, 2024, still not having received any responses, Defendants followed up again with Mr. Harden regarding the Discovery Requests, to which he replied that the “responses will be provided by the end of the week.” *See* Exhibit 5.

6. On February 25, 2025, Defendants’ counsel emailed Mr. Harden for the third time requesting an update on the discovery responses. Mr. Harden replied, “The delay is related to Mr. Staten’s housing insecurity. He let us know that he had a box of documents from his time in prison but that he had to leave them with a friend when he was released as he did not have a stable place to stay. We do not know if those documents were destroyed or discarded by this 3rd party and multiple attempts to recover them have been unsuccessful. We will provide what we have for now, but wanted to make sure we turned over everything.” *See* Exhibit 6.

7. Undersigned counsel immediately responded, stating that Defendants would accept production of documents on a rolling basis. *See* Exhibit 7.

8. On March 28, 2025, almost two months after discovery responses were due and more than a month after Plaintiff’s last communication on the issue, undersigned counsel emailed Plaintiff’s counsel requesting that Plaintiff’s discovery responses be provided no later than April 1, 2025 to avoid court intervention in this matter. *See* Exhibit 8.

9. As of the filing of this Motion, Plaintiff has not provided the outstanding discovery responses.

10. The discovery sought is necessary and pivotal to defending this case.

11. Without this basic discovery, Defendants will be prejudiced in the ability to proceed with and complete discovery, including depositions and expert reports, in a timely manner, and to fully and adequately prepare for trial.

WHEREFORE, Defendants respectfully request that this Honorable Court grant Defendants' Motion to Compel and enter an Order, in the proposed form attached, compelling Plaintiff to provide full, complete, verified responses to all outstanding discovery, without objection, within five (5) days of such Order, or risk further sanctions upon application to the Court.

Dated: April 2, 2025

Respectfully submitted,

/s/ Perry Wasserman

Shneur Z. Nathan

Avi T. Kamionski

Perry Wasserman

Jami Galbraith

Nathan & Kamionski LLP

575 South Charles Street, Suite 402

Baltimore, Maryland 21201

(410) 846-0061

pwasserman@nklawllp.com

Attorneys for Defendants

CERTIFICATION OF GOOD FAITH ATTEMPTS

Pursuant to Rule 37(a)(1) of the Federal Rules of Civil Procedure, Defendants certify that they have conferred and/or attempted to confer with Plaintiff regarding the outstanding discovery in an effort to avoid court action as detailed above in their Motion to Compel.

CERTIFICATE OF SERVICE

I, PERRY WASSERMAN, an attorney, do hereby certify that on April 2, 2025, a true and correct copy of Defendants' Motion to Compel Plaintiff Harold Staten's Responses to Discovery was electronically filed with the Court by using the CM/ECF system, which will send electronic notification to all registered parties.

Dated: April 2, 2025

Respectfully submitted,

/s/ Perry Wasserman
Shneur Z. Nathan
Avi T. Kamionski
Perry Wasserman
Jami Galbraith
Nathan & Kamionski LLP
575 South Charles Street, Suite 402
Baltimore, Maryland 21201
(410) 846-0061
pwasserman@nklawllp.com

Attorneys for Defendants